

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**J.B., a minor child, by and through
his next friend, ADDIE WARD, on
Behalf of himself and all others
similarly situated;**

Plaintiff,

vs.

**WALTER WOOD, in his individual
capacity,**

Defendant.

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CASE NO: 2:06cv00755-MHT

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CASE NO: 2:06cv00908-MEF

**PLAINTIFF'S MOTION IN RESPONSE TO DEFENDANT WALTER WOOD'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff J.B. opposes Defendant Walter Wood's Motion for Summary Judgment and as grounds for his motion states there are genuine issues as to material facts and the Defendant is not entitled to a judgment as a matter of law.

Plaintiff's motion and response is based upon the following:

1. Complaint (8/23/06);
2. Complaint (10/6/06);
3. J.B. Order (5/18/05);
4. Certificate of Completion of HIT Program;
5. Movement Information/Release from DYS);
6. J.B. Order Second Commitment (4/4/06);
7. J.B. Second Commitment (5/9/06);
8. DYS Policy 17.11 (Release);
9. DYS Policy 16.3 (Service Plan);
10. Material Receipt Letter;
11. J.B. 2005 Receipt Notification Letter;
12. J.B. 2005 Material Receipt Verification Form (2 pg);
13. DYS Policy 17.4 (Classification Manual);
14. A.W. Order;
15. S.S. v. Wood Settlement Agreement;
16. A.G. v. Wood Order;
17. All 2005 Consent Decree Reports (66 pgs.);
18. Waiting List Report (November 2004-May 2005, 32 pgs.);
19. 25-day Non-placement Notification (2 pgs.);
20. DYS Policy 1.20;
21. 2004 Annual Report, 2005 Annual Report;
22. Screening and Placement Staffing Report 2005;
23. J.B. 2005 Evaluation;

24. DYS Policy 18.1 (Release); (See Exhibit 8)
25. Screening and Placement Report (4/19/06);
26. J.W.'s Screening and Placement File;
27. C.J.'s Screening and Placement File;
28. Consent Decree Report 2006 (Bates No. 2473);
29. Walter Wood Depo;
30. Pat Pendergast Depo.

/s/Robert D. Drummond, Jr.
ROBERT D. DRUMMOND, JR. (DRU004)
Attorney for Plaintiff

OF COUNSEL:

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Fairhope, Alabama 36532
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/s/Michael J. Crow
MICHAEL J. CROW (CRO039)
Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/Robert D. Drummond, Jr.
OF COUNSEL